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EXAMINER

ESCALANTE, OVIDIO

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,063

Applicant(s)

CONTRACTOR, SUNIL

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1,13 and 14 are objected to because of the following informalities:

In claim 1, line 5, "GIS" must be initially spelled out in at least the first claim in which it appears;

in claim 13, line 1, "An system" should be changed to --A system--; and

in claim 14 the acronym PODP must be initially spelled out in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Neville US Patent 5,588,048.

Regarding claim 1, Neville teaches a method for routing a call from a calling party to a called party (abstract; col. 4, line 55-col. 5, line 15) comprising the steps of:

- (a) receiving the call at a service switching point (LEC 9), (col. 6, lines 34-38);
- (b) querying a service control point (network control point - NCP) for instructions to route the call, (col. 6, lines 39-45);
- (c) providing information related to the call to a GIS system, (col. 6, lines 55-66; col. 9, lines 58-62));

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(d) obtaining a forwarding telephone number (POTS Number) of the called party from the GIS system, (col. 6, lines 42-47); and

(e) routing the call to a location associated with the forwarding telephone number, (col. 6, lines 46-49).

Regarding claim 2, Neville teaches providing a telephone number (ANI Number) of the calling party to the GIS system, (col. 6, lines 42-43; col. 7, lines 42-50; col. 11, lines 32-34).

Regarding claim 3, Neville teaches obtaining the forwarding telephone number based on the telephone number of the calling party, (col. 6, lines 43-45; col. 7, lines 42-50; the closest territorial locator number is obtained).

Regarding claim 4, Neville teaches providing a street address of the calling party to the GIS system, (col. 6, line 55-col. , line 8; col. 10, lines 49-53).

Regarding claim 5, Neville teaches obtaining the forwarding telephone number based on the street address of the calling party, (col. 6, lines 42-49; col. 6, line 65-col. 7, line 17).

Regarding claim 6, Neville teaches providing X-Y (longitude-latitude) coordinates of the calling party to the GIS system, (col. 9, lines 52-62; fig. 1).

Regarding claim 7, Neville teaches obtaining the forwarding telephone number based on the X-Y coordinates of the calling party, (col. 13, lines 5-28).

Regarding claim 8, Neville teaches wherein the location is an optimal location based on criteria set by the called party, (col. 2, lines 41-44; col. 7, line 42-col. 8, line 10).

Regarding claim 9, Neville teaches wherein the optimal location is a location that is physically closest to the calling party, (col. 2, lines 41-44; col. 7, lines 42-50).

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Regarding claim 10, Neville teaches wherein the optimal location is a location that has the least travel time from the calling party, (col. 2, lines 41-44).

Regarding claim 11, Neville teaches wherein the GIS system is maintained by the called party, (col. 3, lines 34-35).

Regarding claim 12, Neville teaches wherein the GIS system is maintained by a telephone company, (col. 3, lines 34-35).

Regarding claim 13, Neville teaches a system for routing a call from a calling party to a called party (abstract; col. 4, line 55-col. 5, line 15) comprising:

- (a) a service switching point (LEC), (col. 6, lines 34-38);
- (b) a trigger provisioned at the service switching point for detecting the call, wherein the trigger causes the service switching point to generate a query, (col. 6, lines 39-45); and
- (c) a service control point for receiving the query and for obtaining a forwarding telephone number from a GIS system, (col. 6, lines 42-47, 55-66), wherein the forwarding telephone number is associated with a location of the called party, and wherein the call is routed to the location of the called party, (col. 6, lines 46-49).

Regarding claim 14, Neville teaches wherein the trigger is a Public Office Dialing Plan (PODP) trigger, (col. 6, lines 36-54).

Regarding claim 15, Neville teaches wherein the location is an optimal location based on criteria set by the called party, (col. 2, lines 41-44; col. 3, lines 34-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. US Patent 6,091,810 (hereinafter Shaffer '810) in view of Shaffer et al. US Patent Pub. 2002/0136381, (hereinafter Shaffer '381).

Regarding claim 16, Shaffer '810 teaches a method for routing a call from a calling party to a called party (col. 8, lines 58-63; col. 9, lines 13-42; col. 10, line 57-col. 11, line 14) comprising the steps of:

- (a) receiving the call at a service switching point, (col. 18, lines 1-26);
- (b) querying a service control point (Network Control Point - NCP) for instructions to route the call, (col. 18, lines 17-36; col. 30, lines 53-66);
- (f) obtaining a forwarding telephone number of the called party from the GIS system, (col. 18, lines 27-43); and
- (g) routing the call to a location associated with the forwarding telephone number, (col. 18, lines 27-36; col. 20, lines 61-63).

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While Shaffer '810 teaches providing information to the GIS system so that a forwarding number can be obtained and of prompting a caller for selecting an option, (col. 18, lines 54-64), Shaffer '810 does not specifically teach of presenting the calling party with a menu of choices and providing the GIS system with the selection.

Shaffer '381 teaches that it was well known in the art to (c) present a calling party with a menu of choices, (paragraph 131; a menu of service location is presented); (d) receiving from the calling party a selection based on the menu of choices, (paragraph 131); and (e) providing the selection to a GIS system, (paragraphs 131 and 133). Shaffer '381 teaches that the GIS system is able to forward the caller to the closest location based upon the caller's location.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shaffer '810 by providing a menu as taught by Shaffer '381 so that the caller can personally select their desired service location for their call.

Regarding claim 17, Shaffer '810 teaches providing a telephone number of the calling party to the GIS system, (col. 18, lines 17-20,26-37).

Regarding claim 18, Shaffer '810 teaches obtaining the forwarding telephone number based on the telephone number of the calling party, (col. 18, lines 27-36).

Regarding claim 19, Shaffer '810 teaches providing a street address of the calling party to the GIS system, (col. 2, lines 30-44,61-col. 3, line 6; col. 5, lines 47-54).

Regarding claim 20, Shaffer '810 teaches obtaining the forwarding telephone number based on the street address of the calling party, (col. 5, lines 47-54; fig. 12b).

Regarding claim 21, Shaffer '810 teaches providing X-Y coordinates of the calling party to the GIS system, (col. 10, lines 13-20).

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Regarding claim 22, Shaffer '810 teaches obtaining the forwarding telephone number based on the X-Y coordinates of the calling party, (col. 10, lines 13-26).

Regarding claim 23, Shaffer '810 teaches wherein the location is an optimal location based on criteria set by the called party, (col. 5, lines 47-54; col. 4, lines 14-25).

Regarding claim 24, Shaffer '810 teaches wherein the optimal location is a location that is physically closest to the calling party, (col. 11, lines 15-35).

Regarding claim 25, Shaffer '810 teaches wherein the optimal location is a location that has the least travel time from the calling party, (col. 11, lines 36-56).

Regarding claim 26, Shaffer '810 teaches wherein the location is an optimal location based on the selection received from the calling party, (col. 5, lines 35-38).

7. Claims 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. US Patent 6,091,810 in view of Yudkowsky US Patent 5,396,530.

Regarding claim 27, Shaffer teaches a method for routing a call from a calling party to a called party (col. 8, lines 51-63; col. 9, lines 13-42; col. 10, line 57-col. 11, line 14) comprising the steps of:

- (a) receiving the call at a service switching point, (col. 18, lines 1-26);
- (b) querying a service control point (NCP) for instructions to route the call, (col. 18, lines 17-36);
- (c) providing information related to the call to a GIS system, (col. 18, lines 17-43);
- (d) obtaining a plurality of forwarding telephone numbers from the GIS system, (col. 18, lines 27-43).

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Shaffer does not specifically teach of allowing the calling party to select one of the plurality of telephone numbers in response to a prompt.

Yudkowsky teaches that it was well known in the art to have a network control point (e) soliciting the calling party to select one of the plurality of forwarding telephone numbers, (col. 1, line 57-col. 2, line 5); (f) routing the call to the one of the plurality of forwarding telephone numbers if the calling party responds within a predetermined duration, and (g) routing the call to a default location if the calling party fails to respond within the predetermined duration, (col. 1, line 57-col. 2, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shaffer by soliciting from the caller a selection for a forwarding number as taught by Yudkowsky so that the calling party can be connected to the appropriate called party based upon a caller desired connection.

Regarding claim 28, Shaffer teaches providing a telephone number of the calling party to the GIS system, (col. 18, lines 17-20,26-37).

Regarding claim 29, Shaffer teaches obtaining the forwarding telephone number based on the telephone number of the calling party, (col. 18, lines 27-36).

Regarding claim 30, Shaffer teaches providing a street address of the calling party to the GIS system, (col. 2, lines 30-44,61-col. 3, line 6; col. 5, lines 47-54).

Regarding claim 31, Shaffer teaches obtaining the forwarding telephone number based on the street address of the calling party, (col. 5, lines 47-54; fig. 12b).

Regarding claim 32, Shaffer teaches providing X-Y coordinates of the calling party to the GIS system, (col. 10, lines 13-20).

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Regarding claim 33, Shaffer teaches obtaining the forwarding telephone number based on the X-Y coordinates of the calling party, (col. 10, lines 13-26).

Regarding claim 34, Shaffer teaches wherein each of the plurality of forwarding telephone numbers is associated with a location of the called party, (col. 10, lines 13-26).

Regarding claims 35 and 36, While Shaffer teaches wherein the default location can be any number that is related to the called party, Shaffer does not specifically teach wherein the default number is the called party's corporate headquarters or the called party's customer service representative.

Yudkowsky teaches that it was well known in the art to provide a menu to a caller and if there is no response then the system will route the call to the called party's service representative/ corporate headquarters, (col. 1, line 57-col. 2, line 5). One of ordinary skill in the art would have taken the suggestion of Shaffer which includes any called party number to include the corporate headquarters of the called party since the corporate headquarter number is part of the called party number.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shaffer and Yudkowsky by including the called party's service representative/corporate headquarters as a default number so that the calling party can be connected to at least a customer representative of the called party if he calling party does not understand the voice message prompt.

Conclusion

8. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262.
The examiner can normally be reached on Monday to Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group
is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35
U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
addressed to [fan.tsang@uspto.gov].


All Internet e-mail communications will be made of record in the application file. PTO
employees do not engage in Internet communications where there exists a possibility that
sensitive information could be identified or exchanged unless the record includes a properly
signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante
Examiner
Group 2645
August 5, 2003


SCOTT L. WEAVER
PRIMARY EXAMINER
Art Unit 2645